

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR. NO. 20-1370 KWR

JULIAN LUCAS GARCIA, III,

Defendant.

**DEFENDANT'S RESPONSE TO THE UNITED STATES' OPPOSED FIFTH MOTION
IN LIMINE TO EXCLUDE DEFENSE EVIDENCE AND ARGUMENT OF
VOLUNTARY INTOXICATION**

Defendant Julian Garcia, III, through his counsel of record, Robert J. Gorence of the Gorence Law Firm, LLC, hereby responds to the United States' Opposed Fifth Motion in Limine to Exclude Defense Evidence and Argument of Voluntary Intoxication as follows:

Mr. Garcia does not oppose the government's Fifth Motion in Limine for the simple reason that he was not intoxicated nor impaired to the slightest degree on July 4, 2019, at the time of the tragic accident with Jane Doe. As such, there will be no reliance on a defense nor argument regarding voluntary intoxication.

Respectfully submitted,

GORENCE LAW FIRM, LLC

/s/ Robert J. Gorence
Robert J. Gorence
300 Central Avenue SW, Suite 1000E
Albuquerque, NM 87102
Phone: (505) 244-0214
Fax: (505) 244-0888
Email: gorence@golaw.us

Attorneys for Defendant Julian Garcia

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of August, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Alexander Flores, Attorney for United States
(alexander.flores@usdoj.gov)

/s/ Robert J. Gorence
Robert J. Gorence